

REMARKS

Further and favorable reconsideration is respectfully requested in view of the foregoing amendments and following remarks.

Summary of Telephone Interview

Applicants kindly thank the Examiner for her helpful suggestions during the telephonic interview of February 18, 2009. During the interview, Applicants' representative discussed the rejections of record.

Specifically, in the rejection under 35 U.S.C. §112, second paragraph, the Examiner indicated that claim 7 is confusing, because for each of the definitions of Y, a “-“ precedes the definition, except for halogenated alkyl or optionally substituted heteroaryl. Thus, the Examiner suggested that Applicants incorporate a “-“ prior to these definitions of Y. During the interview, Applicants' representative explained that a “-“ would be inappropriate if used in this manner, since the “-“ is used to represent a bond, rather than for organization (i.e., bullet markings). The Examiner suggested that Applicants include a different type of organizational term (i.e., (1), (2), (3)...) prior to each of the definitions for Y to address the alleged confusion.

Although Applicants do not acquiesce to the rejection, claim 7 has been amended as suggested by the Examiner.

Additionally, the Examiner indicated that amending the definition of R₉ (under the definition of Y) to remove “optionally substituted alkyl” should overcome the prior art rejection. Accordingly, Applicants have amended claim 7 in this manner.

Applicants appreciate the Examiner's helpful suggestions in addressing the outstanding rejections.

Claim Amendments

Claim 7 has been amended to incorporate organizational terms [(1), (2), (3) ...] for the definitions of Y, to remove “optionally substituted alkyl” from the definition of R⁹, and to remove the proviso language at the end of the claim. No new matter has been added to the application by these amendments.

Consideration after Final Rejection

Although this amendment is presented after final rejection, the Examiner is respectfully requested to enter the amendments and consider the remarks, as they place the application in condition for allowance.

Rejection under 35 U.S.C. §112, second paragraph

The rejection of claims 7-14 under 35 U.S.C. §112, second paragraph as being indefinite has been rendered moot by the above-discussed claim amendments. Accordingly, it is respectfully requested that this rejection be withdrawn.

Rejection under 35 U.S.C §112, first paragraph

The rejection of claims 7-14 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement has been rendered moot in view of the above-discussed claim amendments. Accordingly, it is respectfully requested that this rejection be withdrawn.

Rejection under 35 U.S.C. §102(b)

The rejection of claims 7, 10, 11, 13 and 14 under 35 U.S.C. § 102(b) as being anticipated by Maier et al. has been rendered moot by the above-discussed claim amendments.

Specifically, the compound taught by Maier et al., (i.e., wherein $Y = -P(=O)(OR^9)_2$, where R^9 is ethyl) is no longer encompassed by Applicants' claims. Accordingly, it is respectfully requested that the above-discussed rejection be withdrawn.

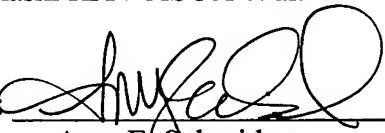
Conclusion

Therefore, in view of the foregoing amendments and remarks, it is submitted that each of the grounds of rejection set forth by the Examiner has been overcome, and that the application is in condition for allowance. Such allowance is solicited.

If, after reviewing this Amendment, the Examiner feels there are any issues remaining which must be resolved before the application can be passed to issue, the Examiner is respectfully requested to contact the undersigned by telephone in order to resolve such issues.

Respectfully submitted,

Takashi KAWASUJI et al.

By: 
Amy E. Schmid
Registration No. 55,965
Attorney for Applicants

AES/kh
Washington, D.C. 20005-1503
Telephone (202) 721-8200
Facsimile (202) 721-8250
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